

106TH CONGRESS
2D SESSION

H. R. 4751

To recognize entry of the Commonwealth of Puerto Rico into permanent union with the United States based on a delegation of government powers to the United States by the people of Puerto Rico constituted as a Nation, to guarantee irrevocable United States citizenship as a right under the United States Constitution for all persons born in Puerto Rico, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2000

Mr. DOOLITTLE introduced the following bill; which was referred to the
Committee on Resources

A BILL

To recognize entry of the Commonwealth of Puerto Rico into permanent union with the United States based on a delegation of government powers to the United States by the people of Puerto Rico constituted as a Nation, to guarantee irrevocable United States citizenship as a right under the United States Constitution for all persons born in Puerto Rico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Puerto Rico-United
3 States Bilateral Pact of Non-territorial Permanent Union
4 and Guaranteed Citizenship Act”.

5 **SEC. 2. PUERTO RICO’S RELATIONSHIP WITH THE UNITED**
6 **STATES.**

7 Congress recognizes Puerto Rico as a nation legally
8 and constitutionally, with a political status and relation-
9 ship with the United States on the basis of the following
10 governing provisions:

11 (1) The people of Puerto Rico, exercising their
12 sovereignty, their natural right to govern themselves,
13 and their free will as the ultimate source of their po-
14 litical power, may reaffirm, in accordance with this
15 Act, the validity of the Commonwealth as established
16 as an autonomous political body, neither colonial nor
17 territorial, in permanent union with the United
18 States of America under an agreement which may
19 not be unilaterally nullified or changed, and may
20 propose its further autonomous development. The
21 relationship between Puerto Rico and the United
22 States shall continue to be based on a common de-
23 fense, market, and currency, and on the
24 nonrevocability of United States citizenship, ac-
25 quired by birth and protected by the Constitution of
26 the United States.

1 (2) This relationship guarantees the autono-
2 mous development of Puerto Rico based on the
3 democratic precept of government by consent of the
4 governed and the recognition that Puerto Rico is a
5 nation with its own history, national character, cul-
6 ture, and Spanish language.

7 (3) To achieve maximum economic progress and
8 well-being, the people of Puerto Rico may propose to
9 develop the Commonwealth in order to retain all
10 powers not delegated to the United States. In keep-
11 ing with Puerto Rico's fiscal autonomy, areas of eco-
12 nomic development will be identified in which joint
13 action will create jobs and other benefits for both
14 parties, including flexibility in the use of Federal
15 funds.

16 (4) This Act shall not be construed to affect
17 programs involving direct assistance to individuals.

18 (5) The Commonwealth may arrange commer-
19 cial and tax agreements, as well as other agree-
20 ments, with other countries and belong to regional
21 and international organizations, consistent with the
22 common defense and security interests of the United
23 States and Puerto Rico, in accordance with this Act
24 and bilateral agreements entered into pursuant to
25 this Act.

1 (6) After a petition for further development of
2 Commonwealth has been approved by the people of
3 Puerto Rico, a Constituent Assembly shall be con-
4 vened to negotiate with the Government of the
5 United States the terms and conditions of an agree-
6 ment to implement the proposals to further develop
7 the Commonwealth, including a mechanism for con-
8 sent to application and enforcement of laws ap-
9 proved by Congress.

10 **SEC. 3. IMPLEMENTING PROVISIONS.**

11 Upon agreement by Congress to recognize a unalter-
12 able bilateral pact with provisions described in section 2
13 by approval of this Act, the following terms for its imple-
14 mentation shall apply:

15 (1) The people of Puerto Rico, in the exercise
16 of their sovereignty, natural right to self-government
17 and free will, as the ultimate sources of their polit-
18 ical power, have consented to and may reaffirm the
19 validity and the force and effect to the Common-
20 wealth formula that was established in 1952 as an
21 autonomous body which is neither colonial nor a ter-
22 ritory, in permanent political union with the United
23 States, under an agreement that may not be set
24 aside or altered unilaterally, and which allows for

1 development of greater autonomy in the future as
2 proposed by Puerto Rico.

3 (2) This bilateral relationship shall guarantee
4 Puerto Rico's economic growth, based on the precept
5 of democratic government by consent of the people,
6 and acknowledging that Puerto Rico is a nation with
7 its own history, idiosyncrasy, culture, and Spanish
8 language.

9 (3) Congress hereby recognizes and confirms
10 that Puerto Rico has a specific nationality that is
11 distinguishable from that of the United States or
12 any other nation.

13 (4) The United States recognizes that people
14 born in Puerto Rico are Puerto Rican citizens by
15 birth and Puerto Rican citizenship is transferable to
16 their descendants, as set forth by the Common-
17 wealth of Puerto Rico, and so shall those rights,
18 privileges, and obligations be derived from the same.

19 (5) Upon its free will and in agreement with
20 the United States, the union between Puerto Rico
21 and the United States will be grounded on the foun-
22 dations set forth below in paragraphs (6) through
23 (9).

24 (6) Those persons born in the Commonwealth
25 of Puerto Rico shall continue being United States

1 citizens by birthright and said citizenship will con-
2 tinue to be protected by the United States Constitu-
3 tion. This right of United States citizenship cannot
4 be unilaterally revoked by the United States.

5 (7) The United States shall maintain its au-
6 thority and responsibility for matters of defense.
7 This shall include responsibility for the defense of
8 Puerto Rico and its people, in the identical manner
9 that the United States and its own people are de-
10 fended. The United States may deny or limit mili-
11 tary or strategic access to the land and waters of
12 Puerto Rico by any other foreign power, and keep
13 the military bases or other installations presently op-
14 erating in Puerto Rico, such as the National Guard.
15 In the case of Vieques, the legitimate claims of its
16 residents shall be given full and fair review on a pri-
17 ority basis. Any additional need for military base
18 rights shall be considered or agreed to by way of
19 specific separate accords.

20 (8) A common market shall continue to exist
21 between Puerto Rico and the United States; there-
22 fore, the trade of goods and services will continue
23 between both countries.

1 (9) Puerto Rico shall continue to have the right
2 to use United States currency as official currency of
3 Puerto Rico.

4 (10) The people's self-government emanates
5 from the Commonwealth; therefore, the people of
6 Puerto Rico retain all the powers not delegated to
7 the United States. Federal laws having to do with
8 defense, currency, United States citizenship, social
9 security, medicare, unemployment insurance, bank-
10 ing and brokerage, postal service, and social and
11 educational aid programs or assistance for veterans
12 are delegated to the United States.

13 (11) International relations functions are dele-
14 gated to the United States only in the areas con-
15 sistent with United States powers under the unalter-
16 able bilateral pact and Commonwealth as recognized
17 under this Act.

18 (12) Areas of special cooperation between the
19 United States and the Commonwealth shall be iden-
20 tified, wherein powers shall be shared to the benefit
21 of both peoples.

22 (13) United States citizens who live in the
23 Commonwealth are protected by all the rights, privi-
24 leges, and immunities conferred upon them by the

1 United States Constitution and the Constitution of
2 the Commonwealth of Puerto Rico.

3 (14) The Federal programs that afford social
4 and educational benefits directly to the residents of
5 Puerto Rico (such as Pell Grants, “Programa de
6 Asistencia Nutricional” (Nutritional Aid Pro-
7 gram), and school loans) shall remain in force, gov-
8 erned by the applicable Federal and State standards.
9 The United States acknowledges that Federal pro-
10 grams for veterans, social security benefits, medi-
11 care, and unemployment benefits are acquired rights
12 for which workers and their employers have made,
13 and shall continue to make, the corresponding con-
14 tributions for such Federal programs.

15 (15) With the aim of advancing Puerto Rico’s
16 economic development, and considering the present
17 and future relations between Puerto Rico and the
18 United States, the United States shall provide the
19 Commonwealth an annual block economic allotment,
20 with corresponding inflationary adjustments, so that
21 the Commonwealth of Puerto Rico can continue to
22 offer social benefits, develop its public works, infra-
23 structures, and incentives for the opening of jobs,
24 and to foster its social and economic growth. The
25 parties shall also identify those areas of economic

1 growth that can be addressed by joint action in
2 order to create jobs, including special incentives pro-
3 grams for investment on the island.

4 (16) The Commonwealth shall control its inter-
5 national trade and establish a policy that will foster
6 its maximum economic growth. For such purposes it
7 shall have the capacity and authority to enter into
8 trade and tax agreements with other countries, con-
9 sistent with the common interest in defense and se-
10 curity of Puerto Rico and the United States.

11 (17) The Commonwealth of Puerto Rico may
12 execute agreements and belong to regional and inter-
13 national bodies, consistent with the common interest
14 in defense and security of Puerto Rico and the
15 United States. The United States shall endorse
16 Puerto Rico's participation or membership in agree-
17 ments and institutions to which this paragraph
18 makes reference.

19 (18) The United States shall transfer the lands
20 it owns in Puerto Rico on the date of the enactment
21 of this Act to the Commonwealth, except for those
22 that are used for common defense or that are nec-
23 essary to perform the powers delegated to the
24 United States in accordance with this Act.

1 (19) Puerto Rico and the United States shall
2 establish other special areas of cooperation, with the
3 aim of guaranteeing the quality of life of Puerto
4 Ricans, and to foster from the collective experiences
5 of both their peoples institutional and sectorial de-
6 velopment of both peoples. In the area of orderly, se-
7 rene, and harmonious development with both peo-
8 ples' cultures, spiritual, psychological, and economic
9 nature, Puerto Rico and the United States are here-
10 by bound to cultivate joint strategies in drug traffic
11 control, regulation of communications, prevention of
12 illegal immigration, mutually beneficial environ-
13 mental protection, and solidarity with international
14 precepts, including an advanced state of fair em-
15 ployer-employee relations in the workplace, disaster
16 relief, shared technological innovation in agriculture,
17 medicine, pharmacology, criminal justice, and other
18 fields of natural and social sciences, as well as the
19 humanities.

20 (20) The United States Federal district court
21 in the Commonwealth of Puerto Rico shall entertain
22 matters that arise from those provisions of the Con-
23 stitution of the United States that are applicable in
24 Puerto Rico, from the provisions of United States
25 statutes that apply to Puerto Rico, consistent with

1 or pursuant to this Act or the unalterable bilateral
2 pact, and which are not contrary to the provisions
3 of the Constitution of Puerto Rico. Spanish and
4 English shall be the official languages of the Federal
5 district courts in Puerto Rico.

6 (21) In negotiations between the parties under
7 this Act, the Commonwealth of Puerto Rico will be
8 represented by a negotiating committee comprised of
9 3 members appointed by the Governor and con-
10 firmed by 75 percent of both houses of the Legisla-
11 tive Assembly of Puerto Rico. At least 2 of the 3
12 members of the committee must believe in the polit-
13 ical philosophy set forth in the Commonwealth for-
14 mula as recognized under this Act. The United
15 States shall be represented by a 3-member negoti-
16 ating committee appointed by the President of the
17 United States.

18 (22) In the event a controversy is not resolved
19 though negotiations between the parties, the issue
20 shall be submitted to a dispute resolution commis-
21 sion. The commission shall be created, comprised of
22 5 members, 2 appointed by the Commonwealth of
23 Puerto Rico and 2 appointed by the United States,
24 and a 5th member to be appointed by the majority
25 of the 4 members representing the parties. The 5-

1 member commission shall designate a president
2 among themselves.

3 (23) The bilateral pact, as agreed and devel-
4 oped under this Act, shall have the force and effect
5 acknowledged by constitutional and international
6 laws in effect, as a bilateral agreement that recog-
7 nizes rights and delegates powers, based on mutual
8 consent, and which may not be unilaterally with-
9 drawn or altered.

10 (24) In addition to the recognition and reaffir-
11 mation of Commonwealth under this Act, upon ap-
12 proval of any proposal by Puerto Rico to further de-
13 velop Commonwealth by the people of Puerto Rico,
14 a constitutional convention may be assembled. Said
15 convention shall, on behalf of the people of Puerto
16 Rico, negotiate with the United States the additional
17 terms and conditions of the association between
18 Puerto Rico and the United States, as well as the
19 specific written instrument of said agreement. Said
20 constitutional convention may not adopt proposals
21 that undermine or void the mandate of the people of
22 Puerto Rico or that may undermine the percepts of
23 common citizenship, market, currency and defense,
24 or against Puerto Rican national identity.

1 (25) The constitutional convention shall design
2 and propose to the United States Government a
3 mechanism for the specific, prospective consent on
4 the application of legislation passed by the United
5 States Congress after the adoption of an agreement
6 on this matter under this Act, as to such legislation
7 as the People of Puerto Rico want to apply to them.

8 (26) The people of Puerto Rico shall elect a
9 Resident Commissioner to represent Puerto Rico be-
10 fore the United States Government, and who shall
11 be considered as a Member of the United States
12 House of Representatives as regards any legislative
13 matter relating to Puerto Rico. The Resident Com-
14 missioner shall also represent Puerto Rico before the
15 executive branch of the United States Government.

16 (27) The constitutional convention shall have
17 representation in Puerto Rico's 2 main political par-
18 ties; therefore they may nominate candidates who
19 shall comprise the convention.

20 (28) Once any agreement to develop Common-
21 wealth further is negotiated and approved by the
22 United States and the constitutional convention, it
23 shall be in force and effect after it has been ap-
24 proved by the people of Puerto Rico. Any further
25 modification of the terms of the agreement shall

1 have to be approved by the people of Puerto Rico,
2 by means of a special voting process in conformity
3 with its democratic institutions and processes.

4 (29) The constitutional convention shall not be
5 authorized to alter, modify, amend or change the
6 Constitution of the Commonwealth of Puerto Rico.

7 (30) The symbols, flag, and hymns of the Com-
8 monwealth of Puerto Rico shall be the symbols, flag,
9 and hymns that are in effect on the date of the en-
10 actment of this Act.

11 (31) The Commonwealth of Puerto Rico shall
12 retain the capacity to subscribe to cultural, edu-
13 cational, and scientific and sports agreements.

14 **SEC. 4. NONSEVERABILITY.**

15 The governing provisions for Commonwealth set forth
16 in section 2 alter existing Federal law in order to establish
17 the necessary elements of a legal definition of the political
18 status of Puerto Rico on a basis not subject to the power
19 of Congress over territories under article IV, section 3,
20 clause 2 of the United States Constitution. If a court of
21 competent jurisdiction enters a final judgment on the mer-
22 its that is no longer subject to appeal, which alters, limits,
23 or impairs the Commonwealth formula set forth in the
24 governing provisions of section 2, or prevents establish-
25 ment of Commonwealth as a relationship that is not terri-

1 torial, whether such judgment is based on Federal statu-
2 tory or Federal constitutional grounds, or which deter-
3 mines that any provisions of section 2 and section 3 or
4 implementing measures thereunder violate the United
5 States Constitution, then the provisions of this Act are
6 null and void and of no effect, and Puerto Rico will there-
7 upon continue to be governed in accordance with the Puer-
8 to Rican Federal Relations Act (64 Stat. 319) and Federal
9 law applicable to Puerto Rico as of the date of the enact-
10 ment of this Act.

○